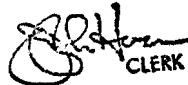


UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
SEP 09 2008  
  
CLERK

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UNITED STATES OF AMERICA,

CR08-40057

Plaintiff,

ORDER DISMISSING COUNT 1 OF  
INDICTMENT

vs.

DANIEL DAVID KJERGAARD,

Defendant.

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The Court having reviewed the Government's Motion to Dismiss Count 1 of Indictment, and good cause appearing therefor, it is hereby

ORDERED that Count 1 of the Indictment in the above-captioned matter is hereby dismissed.

Dated this 9<sup>th</sup> day of September, 2008.

BY THE COURT:



LAWRENCE L. PIERSOL  
United States District Court Judge

ATTEST:  
JOSEPH A. HAAS, Clerk

By: Shelly Margulies  
Deputy